HVN

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INCOME TAX APPEAL NO. 887 OF 2004

The Commissioner of Income Tax ... Appellant
Versus
M/s. National Peroxide Ltd. ... Respondent

Mr. Ashok Kotangale for the Appellant.

Ms. Beena Pillai i/by D.M. Harish & Co. for Respondents.

CORAM: F.I. REBELLO &
J.P.DEVADHAR, JJ.
DATED: AUGUST 21, 2007

P.C.:

. The question of law as formulated is as under :

> "Whether the assessee is not entitled to claim additional depreciation allowance on the increase cost of assets on account of exchange rate fluctuation?"

. We have perused the impugned order of the tribunal The tribunal has relied on the judgment of this court in Padmaji Pulp & Paper Mills Ltd. Vs. CIT 210 ITR 97 (Bom). Nothing has been brought to our attention, showing that this court subsequently or Supreme Court has taken a different view. In the light of that question as formulated would not arise. Hence, appeal dismissed.

(J.P.DEVADHAR, J.) **(F.I.REBELLO, J.)**